

**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D. C. 20503**

**ENROLLED BILL REQUEST**

In accordance with OMB Circular No. A-19, your written views and recommendation for Presidential action are requested on the following enrolled bill(s) (facsimile(s) attached):

H.R. 4445

Please consult section 10 of OMB Circular A-19, pages 12-14, for instructions regarding the preparation of enrolled bill letters and the procedures to be followed on enrolled bills.

Within TWO DAYS (including holidays but excluding Sundays) after receipt of this request, your reply (original and one copy) should be delivered VIA SPECIAL MESSENGER to Mrs. Julia Yuille, Room 7201, New Executive Office Building.

Your cooperation in meeting this deadline is needed to provide maximum time for Presidential action on the enrolled bill(s).

James C. Murr  
~~Acting~~ Assistant Director  
for Legislative Reference

ATTENTION:

J. Hagerson

Criminal Code



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503  
ENROLLED BILL REQUEST

October 26, 1988

OCA 3570/88

TO: LEGISLATIVE LIAISON OFFICER:

JUSTICE - Thomas M. Boyd/633-2141  
DOD - Samuel T. Brick, Jr./697-1305  
TREASURY - Richard S. Carro/566-8523  
TRANSPORTATION - Tom Herlihy/366-4687  
CIA - John Halgerson

SUBJECT: ENROLLED BILL - HR 4445 Undetectable Firearms Act

In accordance with OMB Circular No. A-19, your written views and recommendation for Presidential action are requested on HR 4445 as enrolled. See the October 21, 1988, Congressional Record, beginning on pages S17135 thru S17137 for the text of the bill.

Please consult section 10 of OMB Circular No. A-19, pages 12-14, for instructions regarding the preparation of enrolled bill letters and the procedures to be followed on enrolled bills.

Within TWO DAYS (including holidays but excluding Sundays) after receipt of this request, your reply (original and one copy) should be delivered VIA SPECIAL MESSENGER to Mrs. Julia Yuille, Room 7201, New Executive Office Building. (In addition, you may wish to send in advance a copy of your views letter using telecopier equipment.)

Your cooperation in meeting this deadline is needed to provide maximum time for Presidential action on the enrolled bill.

A regular facsimile of the enrolled bill will be sent to you through the messenger service when available. The legislative analyst handling this bill is Gregory Jones (395-3454)

JAMES C. MURR  
Assistant Director  
for Legislative Reference

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LEGI-SLATE Report for the 100th Congress Thu, October 27, 1988 9:51am (EDT)  
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Report for H.R.4445 Terrorist Firearms Detection Act of 1988

As finally approved by the House and Senate **(Enrolled)**, AT THE SECOND  
SESSION

Complete Text of this version

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**H.R. 4445**

One Hundredth Congress of the United States of America  
AT THE SECOND SESSION

Begun and held at the City of Washington on Monday,  
the twenty-fifth day of January, one thousand nine hundred and eighty-eight

An Act

To amend title 18, United States Code, to prohibit certain firearms  
especially useful to terrorists.

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Be it enacted by the Senate and House of Representatives of the United  
States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undetectable Firearms Act of 1988".

SEC. 2. UNDETECTABLE FIREARMS.

(a) Prohibitions.--Section 922 of title 18, United States Code, is amended  
by adding at the end the following:

"(p)(1) It shall be unlawful for any person to manufacture, import, sell,  
ship, deliver, possess, transfer, or receive any firearm--

"(A) that, after removal of grips, stocks, and magazines, is not as  
detectable as the Security Exemplar, by walk-through metal detectors  
calibrated and operated to detect the Security Exemplar; or

"(B) any major component of which, when subjected to inspection by the  
types of x-ray machines commonly used at airports, does not generate an  
image that accurately depicts the shape of the component. Barium sulfate  
or other compounds may be used in the fabrication of the component.

"(2) For purposes of this subsection--

"(A) the term 'firearm' does not include the frame or receiver of any  
such weapon;

"(B) the term 'major component' means, with respect to a firearm, the  
barrel, the slide or cylinder, or the frame or receiver of the firearm; and

"(C) the term 'Security Exemplar' means an object, to be fabricated at  
the direction of the Secretary, that is--

"(i) constructed of, during the 12-month period beginning on the  
date of the enactment of this subsection, 3.7 ounces of material type  
17-4 PH stainless steel in a shape resembling a handgun; and

"(ii) suitable for testing and calibrating metal detectors: Provided, however, That at the close of such 12-month period, and at appropriate times thereafter the Secretary shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a 'Security Exemplar' which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology;

"(3) Under such rules and regulations as the Secretary shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Secretary shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.

"(4) The Secretary shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

"(5) This subsection shall not apply to any firearm which--

"(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Secretary and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

"(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.

"(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988."

(b) Penalty.--Section 924 of title 18, United States Code, is amended--

(1) in subsection (a)(1), by striking "or (c)" and inserting in lieu thereof ", (c), or (f)"; and

(2) by adding at the end the following:

"(f) In the case of a person who knowingly violates section 922(p), such person shall be fined under this title, or imprisoned not more than 5 years, or both."

(c) Conforming Amendments.--Section 925 of title 18, United States Code, is amended--

(1) in subsection (a), by inserting after "chapter" the following: ", except for provisions relating to firearms subject to the prohibitions of section 922(p)"; and

(2) by adding at the end the following:

"(f) The Secretary shall not authorize, under subsection (d), the importation of any firearm the importation of which is prohibited by section 922(p)."

(d) Research and Development of Improved Airport Security Systems.--The Administrator of the Federal Aviation Administration shall conduct such research and development as may be necessary to improve the effectiveness of airport security metal detectors and airport security x-ray systems in detecting firearms that, during the 10-year period beginning on the effective date of this Act, are subject to the prohibitions of section 922(p) of title 18, United States Code.

(e) Studies to Identify Equipment Capable of Distinguishing Security Exemplar From Other Metal Objects Likely To Be Carried On One's Person.--The

Attorney General, the Secretary of the Treasury, and the Secretary of Transportation shall each conduct studies to identify available state-of-the-art equipment capable of detecting the Security Exemplar (as defined in section 922(p)(2)(C) of title 18, United States Code) and distinguishing the Security Exemplar from innocuous metal objects likely to be carried on one's person. Such studies shall be completed within 6 months after the date of the enactment of this Act and shall include a schedule providing for the installation of such equipment at the earliest practicable time at security checkpoints maintained or regulated by the agency conducting the study. Such equipment shall be installed in accordance with each schedule. In addition, such studies may include recommendations, where appropriate, concerning the use of secondary security equipment and procedures to enhance detection capability at security checkpoints.

(f) Effective Date and Sunset Provision.--

(1) Effective date.--This Act and the amendments made by this Act shall take effect on the 30th day beginning after the date of the enactment of this Act.

(2) 10-year sunset.--Effective 10 years after the effective date of this Act--

(A) subsection (p) of section 922 of title 18, United States Code, is hereby repealed;

(B) subsection (f) of section 924 of such title is hereby repealed;

(C) subsection (f) of section 925 of such title is hereby repealed;

(D) section 924(a)(1) of such title is amended by striking ", (c), or (f)" and inserting in lieu thereof "or (c)"; and

(E) section 925(a) of such title is amended by striking ", except for provisions relating to firearms subject to the prohibitions of section 922(p),".

Speaker of the House of Representatives.

Vice President of the United States and  
President of the Senate.

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